



MAYOR AND COUNCIL AGENDA

NO. 16 DEPT.: Community Planning and Development Services
STAFF CONTACT: Somer Cross, Planner II

DATE PREPARED: 8/30/05
FOR MEETING OF: 9/12/05

SUBJECT: Discussion of request for a moratorium on "mansionization" from Lincoln Park Civic Association.

RECOMMENDATION: Consider imposing a 6-month moratorium on mansionization development and instruct staff on further actions.

SUMMARY:

In August, the Mayor and Council received letters (see attached) proposing and opposing a development moratorium on construction in Lincoln Park. In response to these letters, the City Manager has requested that the Department of Community Planning and Development Services (CPDS) analyze the impacts of restricting construction in the city. This agenda discussion is in response to that request.

The Mayor and Council have determined that the trend to "mansionize" houses is a concern in the City of Rockville. A proposed mansionization amendment will also be addressed at this meeting to limit the negative affects of mansionized housing. If the Mayor and Council authorize the filing of the amendment today, it could take up to six months to adopt. The Planning Commission would review it in October, the public hearing would be held in November, and the D&I would be held in December. Therefore, January or February would be the likely months of adoption.

A six-month moratorium on residential demolition and substantial alteration would provide time for an amendment to be passed addressing the concerns of mansionization and for the Mayor and Council to consider a number of other issues that will be presented to them. A moratorium would prohibit new construction that does not blend with the surrounding community. As described below, the moratorium can be limited enough to allow for minor additions but restrictive enough to prevent the large-scale redevelopments associated with mansionization.

If this moratorium is applied, it would prevent residential construction (from demolition or infill lots) and re-construction (for major alterations) in all residential districts, excluding those developments that have been created under the special development procedures of Planned Residential Unit Developments, Comprehensive Planned Developments, or Residential Townhouse Developments. For purposes of this moratorium, construction or reconstruction of any residential building will include:

1. Any residential structure that, constructed or re-constructed, will be 25' or more in height. Height is measured as the vertical distance from the level of approved street grade opposite the middle of the front of the building to:
 - a. The highest point of roof surface of a flat roof;
 - b. The deck line of a mansard roof; or
 - c. The peak of a gable, hip or gambrel roof.
2. Any residential alteration or construction, which would add 1000 square feet.

DISCUSSION:

In July, the Mayor and Council discussed a white paper on the issues of mansionization. As addressed in that meeting, regulations for building height and setbacks are not needed in planned communities. Most new developments have strict covenants and require architectural approval for changes to existing homes. As people who move into these newer developments expect a number of large houses in their neighborhood, the need to place a moratorium on planned residential unit developments, comprehensive planned developments, or residential townhouse developments is eliminated.

In the July meeting, staff reported that the projected areas of the city for future residential structure expansion would be primarily east of Rt. 355, based on lot cost and size. An example neighborhood where mansionization could occur is Twinbrook. There, the existing average home size is approximately 1300 square feet. The majority of recent additions have ranged from 100 to 299 square feet (which is, at most, 23% of an original square footage of a 1300 square foot home). A total of 45 houses in the neighborhood (only 2.5% of the total single-family homes in the neighborhood) have added additions greater than 1000 square feet in the past decade. A moratorium limitation on an increase of 1000 square feet would allow the typical single-room expansion but prohibit a mansionized style expansion while the city considers the need for restrictions.

Currently, there are 13 residential alteration requests submitted to the Inspection Services Department (ISD) that would be affected by the above listed qualifications. Three of them are in the Lincoln Park area. In addition, there are 7 single-family construction applications, 2 of which are in Lincoln Park. Staff is currently reviewing the status of these applications. Upon further review, staff will make a recommendation on how to apply to moratorium to these properties.

Upcoming Policy Decisions:

In addition to the mansionization amendment considerations, Mayor and Council will be faced with a large number of policy decisions regarding the zoning ordinance revision in the next few months. To provide guidance to that project, a number of white papers are to be presented regarding policy priorities on nonconformities, optional methods of development, urban design implementation, uses, and accessory structures. Through these discussions, the policies and considerations associated with mansionization may be more thoroughly fleshed out.

A zoning code amendment to the requirements of accessory structures will also be presented to Mayor and Council. This language would affect the allowances of lot coverage and accessory setbacks and should be considered in conjunction with mansionization text.

Finally, Mayor and Council will be presented with a conservation plan for Lincoln Park. As discussed in the white paper, bulk regulations alone do not deal as effectively with the issues of mansionization as they do when combined with architectural design guidelines. The Lincoln Park conservation plan will include design guidelines to provide flexibility in house design and siting. The proposed mansionization amendments to the current code address different issues from the proposed conservation district design guidelines. As a result, any proposed blanket regulations should be considered in conjunction with the Lincoln Park standards to ensure that the two requirements will create the desired result.

Conclusion:

Staff recommends a six-month moratorium on demolition and substantial alteration of residential structures in areas not covered by special development procedures and as defined by height and square footage additions. While the city reviews the proposed amendment language, the continuation of the current standards, and therefore the re-construction of much larger structures than previously existed, could have a damaging affect on the community's character.

A six-month moratorium would prevent future demolition and expansion of the large-scale housing characteristic of mansionization. This time would be needed to adopt regulations and to establish the direction of the city's future development. During this time, the staff and Mayor and Council will consider:

1. The application of setback and height requirements to residential districts;
2. The addition of impervious surface coverage limitations;
3. The applicability of individual overlay zones for the different neighborhoods of the city likely to be affected by mansionization;
4. The proposed design guidelines of Lincoln Park;
5. A number of a policy issues to be included in the zoning revision; and
6. An amendment to accessory structure regulations.

Next Steps: If Mayor and Council are amenable to adopting a moratorium, staff requests that the legal department be directed to draft the necessary resolution.

PREPARED BY:

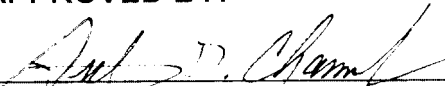
Somer Cross, Planner II

APPROVED BY:

Jim Wasilak, Chief of Planning

9.6.05

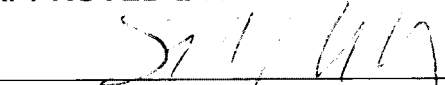
Date

APPROVED BY:

Arthur D. Chambers, AICP, Director, CPDS

9/6/05

Date

APPROVED BY:

Scott Ullery, City Manager

9/8/05

Date

LIST OF ATTACHMENTS:

1. Lewis, Roger K., "What's the Best Way to Address 'Supersized Homes?' (Hint: It's Not Through Zoning)," Washington Post, August 20, 2005.
2. Letter from Ardell P. Hillard to the Mayor and Council, August 3, 2005.
3. Letter from Fran Hawkins, President Lincoln Park Civic Association, to the Mayor and Council, August 3, 2005.
4. Letter from Scott Ullery, City Manager, to Ardell Hillard, August 16, 2005.
5. Letter from Scott Ullery, City Manager, to Fran Hawkins, August 18, 2005.

washingtonpost.com

What's the Best Way to Address 'Supersized Homes'? (Hint: It's Not Through Zoning)

By Roger K. Lewis

Saturday, August 20, 2005; F04

Big houses are here, and that makes plenty of people unhappy.

For instance, Chevy Chase is struggling with what a Washington Post editorial called "supersized homes." The editorial suggested that "jurisdictions grappling with so-called McMansionization should be able to come to grips with the issue through a sensible mix of height, lot coverage and setback standards."

Regrettably, enacting height, lot coverage and setback standards -- zoning rules that govern site use and building size -- has never been an effective architectural or urban design tool. Creating beautiful environments depends on more than dimensional limits. Look at America's cities and suburbs to see what zoning alone has accomplished, or not accomplished.

In fact, under current zoning, "supersized" houses are perfectly legal. They often appear in established neighborhoods on lots where smaller, older houses have been torn down. Much larger and more expensive than homes lining the street they share, big new houses can hurt the collective scale, visual texture and historic character of a neighborhood. This is why many neighborhoods seek to control or even eliminate them.

But tinkering with conventional zoning can never adequately address basic aesthetic attributes that transcend building size. Many other design characteristics affect how a building is perceived and relates to its context: massing and volumetric articulation; roof geometry and roofing materials; facade composition and fenestration patterns; facade materials, details and ornamentation; and landscaping patterns, forms and materials.

A talented architect can fashion a house that is significantly bigger than neighboring houses yet is attractive and harmonious. Conversely, an inept designer could come up

with a house that is similar or even smaller in size than neighboring houses yet looks out of place and unattractive.

For these reasons, jurisdictions must go beyond conventional zoning that does little more than regulate height, bulk and yard sizes. For neighborhoods warranting aesthetic stewardship, appropriate design goals and enforceable design guidelines are needed, coupled with a well-managed design review process.

The Post editorial hinted at this approach when it referred to Montgomery County's land-use authority and prevailing zoning restrictions, then stated that "a case can be made for extending those powers where possible to smaller-scale elected bodies" and local communities.

If used properly in advance of issuing building permits, design review is a responsible and fair way to accomplish what local citizens and even some developers want. It transcends zoning with explicit design objectives, provides flexibility to meet those objectives and encourages fruitful discussion. It also recognizes the necessity of informed, case-by-case value judgments, despite specific design criteria.

Design review can't change the talent of an architect, the strong sentiments of a home buyer or the profit motives of a developer, but it can foster higher aesthetic aspirations. Constructive criticism during design can help turn mediocre projects into good ones, and good projects into better ones, while filtering out really bad ideas and ugly architecture.

Nevertheless, a design review process won't succeed unless a number of conditions are satisfied.

There must be clearly expressed design guidelines drafted carefully with both community and professional input. Guidelines are best understood and most useful when they are graphic and illustrate design objectives and limitations through diagrams or visual depictions of specific principles and concepts.

Design reviewers must be qualified and competent to interpret proposals and make judgments regarding both design guideline conformance and design quality. Usually jurisdictions appoint design review boards or committees made up of local citizens, public officials and design professionals, but the nature of those appointments is crucial.

If reviewers lack objectivity, bring personal agendas or have inadequate design experience, the process can be counterproductive. Review bodies must include at least a couple of recognized design practitioners -- architects and landscape architects -- who are respected by the community and who have no financial or professional stake in the outcome of the review.

Finally, design review procedures must ensure that the review process is transparent and timely. Meetings should be open to the public and scheduled during early phases of design, when conceptual alternatives are being formulated and refined.

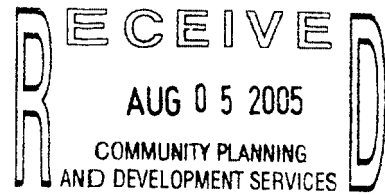
Conducting the first design review meeting just before applying for a building permit, well after a design has been finalized and all construction documents produced, is useless and potentially very costly in time and money. Because this precludes constructive criticism and dialogue between designer and design reviewers, it would be unfair to both neighbors and developers.

Design review makes sense to me in part because of my own positive experiences with the process. Design reviews in which I have participated, although never flawless, generally have worked. The aesthetic aspirations of developers and their architects always have risen, as has the quality of buildings.

To gain time to explore ways to curtail construction of supersized homes, Chevy Chase has adopted an ordinance imposing a six-month building permit moratorium on new house construction and house demolition. Implementing a design review process should be one of the ways explored.

Roger K. Lewis is a practicing architect and a professor of architecture at the University of Maryland.

Ardell P. Hilliard
605 Douglas Avenue
Rockville, MD 20850



August 3, 2005

Honorable Mayor & Council
City of Rockville, City Hall
111 Maryland Avenue
Rockville, MD 20850

Routed To:

☒ Council
☒ City Clerk
☒ City Manager

☐ City Attorney
☐ Council Support Specialist
☒ Other *Jim Wasilak*

2005 AUG -4 AM 11:16

RECEIVED
CITY CLERK'S OFFICE

Dear Mayor & Council

I was speaking with my neighbor this morning, who advised me that several people in the community met to discuss some disturbing news about property sale and other real estate issues. They decided that they would request a moratorium on all new construction in Lincoln Park. I am concerned about this matter. I believe the City has been vigilant in its effort to keep in check what goes on in Rockville.

I believe if there are any violations and or problems address them individually. Lincoln Park is changing in a big way. The demolition of the public housing community has had a big impact on our lives. The community supported the plan and we hope the end results will be new life. Like my house many of our structures are very old and need a lot of work. When considering the work for my house I realized that just to repair the intra-structure would be very costly. I do not feel we should prevent anyone who is in the same or similar situation as I was not to be able to bring their structure in compliance with current standards.

I believe we must be ever vigilant but not place a complete moratorium on all construction.

Sincerely,

Ardell P. Hilliard
Ardell P. Hilliard

Routed To:

☒ Council☐ City Clerk☒ City Manager☐ City Attorney☐ Council Support Specialist☒ Other Art Chambers

The Lincoln Park Civic Association
P.O. Box 10250
Rockville, Maryland 20850

Jim Wasilak
Judy Christiansen

August 3, 2005

Mayor Larry Giammo and Members of the Council
 City of Rockville
 111 Maryland Avenue
 Rockville, MD 20850

FAX: 240-314-8289

RECEIVED
 CITY CLERK'S OFFICE
 2005 AUG -3 AM 10:20

Dear Mayor Giammo and Members of the Council:

Thank you for allowing us to brief you on our conservation plan at your worksession on Monday, July 25, 2005. However, due to the large amount of properties possibly changing ownership in the near future and obvious time it will take to gain final approval of our neighborhood and conservation plan, **the Lincoln Park Civic Association requests an immediate moratorium on demolitions and total renovations of existing houses as well as new construction on single lots except for the WINX and Stonestreet properties** until our plan is approved. It is with some urgency that we make this request.

Again, thank you for the opportunity to present this matter to you. We look forward to a prompt reply.

Sincerely,

Fran Hawkins

Fran Hawkins, President

Cc: Scott Ullery
 Art Chambers
 Jim Wasilak
 Judy Christiansen

August 16, 2005

Ardell Hilliard
605 Douglas Avenue
Rockville, MD 20850

Dear Ms. Hilliard,

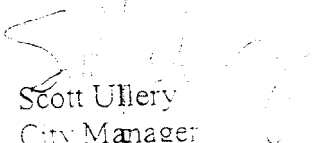
I am responding to your letter to the Mayor and Council about the request they received for a moratorium on new construction in Lincoln Park. Thank you for sharing your concerns about the potential impact of this recommended action to the Lincoln Park neighborhood.

The Mayor and Council understand the concerns that residents in Lincoln Park and other neighborhoods have about demolitions and total renovations. At the same time, we recognize that restrictions on construction can have negative impacts on property owners. These aspects are critical components of the work to revise the City's Zoning Ordinance. Work on the Zoning Ordinance revision continues and will include additional worksessions on 'mansionization', optional method procedures, accessory structures, urban design and land uses.

Based on the Mayor and Council's desire to respond to neighborhood concerns, I have directed the City's Department of Community Planning and Development Services (CPDS) to analyze the impacts of restricting teardowns and substantial remodels/additions while the City's Zoning Ordinance is being drafted and processed. This includes carefully defining teardowns and substantial remodels/additions, and examining projects currently in the pipeline. Based on staff's work, I will recommend a course of action to present to the Mayor and Council when they return from recess in September.

We will share our progress on this task with the community and will seek input from Rockville residents on any recommended action. Thank you for sharing your concerns with the Mayor and Council. Please let me know if you have any additional questions.

Sincerely,


Scott Ullery
City Manager

cc: Mayor and Council
City Clerk
Catherine Tuck Parrish
Art Chambers



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COUNCIL
Robert E. Dorsey
John F. Hall
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CITY MANAGER
Scott Ullery

CITY CLERK
Clara E. Funkhouser



August 18, 2005

Fran Hawkins, President
Lincoln Park Civic Association
P.O. Box 10250
Rockville, MD 20850

Dear Ms. Hawkins,

I am responding to the Lincoln Park Civic Association (LPCA) request to the Mayor and Council for a moratorium on demolitions, total renovations of existing houses, and new construction on single lots. Your letter noted that progress has been made on the Lincoln Park Conservation Plan but more time is required to obtain final plan approval. The LPCA requested a moratorium, excluding the WINX and Stonestreet properties, until the conservation plan is approved.

The Mayor and Council were pleased to receive the July 25th briefing on the Lincoln Park Conservation Plan and understand the concerns that LPCA and other associations have about demolitions and total renovations that could negatively impact the community. These aspects are critical components of the work to revise the City's Zoning Ordinance. Work on the Zoning Ordinance revision continues and will include additional worksessions on 'mansionization', optional method procedures, accessory structures, urban design and land uses.

Based on the Mayor and Council's desire to respond to neighborhood concerns, I have directed the City's Department of Community Planning and Development Services (CPDS) to analyze the impacts of restricting teardowns and substantial remodels/additions while the Zoning Ordinance is being drafted and processed. This includes carefully defining teardowns and substantial remodels/additions, and examining projects currently in the pipeline. Based on staff's work, I will recommend a course of action to present to the Mayor and Council when they return from recess in September.

We will share our progress on this task with the community and will seek input from Rockville residents on any recommended action. I recognize the sensitivity of this issue and thank you for sharing the LPCA concerns with the Mayor and Council. I look forward to sharing information on our work with the LPCA. Please let me know if you have any additional questions. Thank you for your time.

Sincerely,

Scott Ullery
City Manager

MAYOR
Larry Giamberini

COUNCIL
Robert E. Dorsey
John E. Bell
Susan E. Hoffmann
Anne M. Roberts

CITY MANAGER
Scott Ullery

CITY CLERK
Kathleen M. Smith



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Thee Perry

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